



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-09-00100-CR**

**SUSAN MEADOR,**

**Appellant**

**v.**

**THE STATE OF TEXAS,**

**Appellee**

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**From the 220th District Court  
Bosque County, Texas  
Trial Court No. 14,273**

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**MEMORANDUM OPINION**

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After Susan Meador entered an open guilty plea to the state-jail felony offense of theft by check of \$1,500 or more but less than \$20,000, a jury assessed a two-year state-jail term and a \$7,500 fine. Meador appealed.

Meador's appointed appellate counsel has filed a motion to withdraw and an *Anders* brief, asserting that he has diligently reviewed the appellate record and that, in

his opinion, the appeal is frivolous.<sup>1</sup> See *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

Although informed of her right to do so, Meador did not file a *pro se* brief or response. The State waived the filing of a brief. We will affirm.

In an *Anders* case, we must, “after a full examination of all the proceedings, [] decide whether the case is wholly frivolous.” *Anders*, 386 U.S. at 744, 87 S.Ct. at 1400; accord *Stafford v. State*, 813 S.W.2d 503, 509-11 (Tex. Crim. App. 1991). An appeal is “wholly frivolous” or “without merit” when it “lacks any basis in law or fact.” *McCoy v. Court of Appeals*, 486 U.S. 429, 439 n.10, 108 S.Ct. 1895, 1902 n.10, 100 L.Ed.2d 440 (1988).

We have conducted an independent review of the record, and because we find this appeal to be wholly frivolous, we affirm the judgment. Counsel must send Meador a copy of our decision by certified mail, return receipt requested, at Meador’s last known address. TEX. R. APP. P. 48.4. Counsel must also notify Meador of her right to file a *pro se* petition for discretionary review. *Id.*; see also *Ex parte Owens*, 206 S.W.3d 670, 673-74 (Tex. Crim. App. 2006). We grant counsel’s motion to withdraw, effective upon counsel’s compliance with this notification requirement as evidenced by “a letter [to this Court] certifying his compliance.” See TEX. R. APP. P. 48.4.

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<sup>1</sup> Meador’s counsel does identify that the indictment contains a clerical error: it omits the last digit of the year for the grand jury’s July term, reading “200.” Counsel notes that no law exists that would afford Meador any relief based on this error. Moreover, Meador’s open guilty plea waived all nonjurisdictional defects. See *Stahle v. State*, 970 S.W.2d 682, 694 (Tex. App.—Dallas 1998, pet. ref’d) (“The law in this State is well settled that a guilty plea entered without benefit of a plea bargain waives all nonjurisdictional defects occurring prior to entry of the plea.”); see also TEX. CODE CRIM. PROC. ANN. art. 1.14(b) (Vernon 2005).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

(Chief Justice Gray concurs in the judgment. A separate opinion will not issue.)

Affirmed

Opinion delivered and filed April 13, 2011

Do not publish

[CR25]